

Exhibit 13

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO, LLC,)
Plaintiffs,)
- vs -) Case No.
UBER TECHNOLOGIES, INC.,) 3:17-cv-00939
OTTOMOTTO LLC; OTTO)
TRUCKING, LLC,)
Defendants.)

VIDEOTAPED DEPOSITION OF JOHN BARES,
a witness, called by the Plaintiff for examination,
in accordance with the Federal Rules of Civil
Procedure, taken by and before Tammie Elias, RPR and
Notary Public in and for the Commonwealth of
Pennsylvania, at the office of Reed Smith, 225 Fifth
Avenue, Suite 1200, Pittsburgh, Pennsylvania, on
Friday, June 16, 2017, commencing at 9:05 a.m.

JOB No. 2640097

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1 week of May, yes, May of 2017. 09:24a

2 BY MR. JUDAH: 09:24a

3 Q. You referred earlier to consulting work 09:24a

4 Mr. Levandowski did starting in late April, 09:24a

5 early May 2016; is that correct? 09:24a

6 A. Correct. 09:24a

7 Q. Before that time, had Mr. Levandowski done any 09:24a

8 work for Uber? 09:25a

9 A. Not that I'm aware of. 09:25a

10 Q. Can you elaborate on the consulting work 09:25a

11 Mr. Levandowski did between late April, early 09:25a

12 May and August 2016? 09:25a

13 A. It was quite comprehensive. He would -- in 09:25a

14 his role he examined everything we were doing, 09:25a

15 from sensors to automotive OEM partners to 09:25a

16 software design, to mapping, to labeling, 09:25a

17 everything in the self-driving effort. 09:25a

18 Reviewed all of those pieces, gave comments 09:25a

19 and suggested, suggested change of direction, 09:25a

20 paths forward, how to improve what we were 09:25a

21 doing and gain higher speed. 09:26a

22 Q. Was Mr. Levandowski's consulting work, that 09:26a

23 included Lidar; correct? 09:26a

24 A. Yes. Yes, it did. [REDACTED] 09:26a

25 [REDACTED] 09:26a

1 [REDACTED]. 09:26a

2 Q. And what contract are you referring to? 09:26a

3 A. A contract that I believe -- well, sorry, not 09:26a

4 at that time. I'm off by several months. So 09:26a

5 maybe rephrase the question. 09:26a

6 Q. Well, I was following up on you said that at 09:26a

7 the time Uber was under contract [REDACTED] 09:26a

8 [REDACTED]? 09:26a

9 A. So that -- correct. [REDACTED] 09:26a

10 [REDACTED] 09:26a

11 [REDACTED] 09:27a

12 [REDACTED] 09:27a

13 [REDACTED] 09:27a

14 [REDACTED]. 09:27a

15 Q. Have you seen that contract? 09:27a

16 A. I've not seen the final contract, no. 09:27a

17 Q. You have seen drafts of that contract? 09:27a

18 A. I have. 09:27a

19 Q. Do you know what was signed? 09:27a

20 A. I have not seen it, so I guess I don't know if 09:27a

21 it was signed. I certainly assume it was. 09:27a

22 Q. What else can you tell me about that contract? 09:27a

23 MR. BRILLE: Objection, form. 09:27a

24 A. So I don't know the final form. I know when I 09:27a

25 last saw the substantive contract would have 09:27a

1 technical person [REDACTED] 09:35a
2 [REDACTED] 09:35a
3 [REDACTED] and as we got into April, that was 09:35a
4 pretty much locked. 09:35a
5 They would ask me every once in 09:35a
6 awhile for a question and what was left was 09:35a
7 the terms of [REDACTED] 09:35a
8 [REDACTED] 09:36a
9 and for whatever reason my involvement tapered 09:36a
10 down at that point. And it's similar to what 09:36a
11 I have seen before in other agreements, it's 09:36a
12 sort of the last few huge business discussions 09:36a
13 are made at that final hours of the agreement 09:36a
14 and I just wasn't part of that. 09:36a
15 Q. So getting back to the question I asked a 09:36a
16 moment ago. Has Anthony Levandowski ever been 09:36a
17 an advisor to Travis Kalanick? 09:36a
18 MR. BRILLE: Objection, form. 09:36a
19 A. I believe, yes. 09:36a
20 BY MR. JUDAH: 09:36a
21 Q. In what capacity and when was he an advisor to 09:36a
22 Travis Kalanick? 09:36a
23 MR. BRILLE: Same objection. 09:36a
24 A. I believe he was provided advice to Travis 09:36a
25 from sometime in December or January, December 09:36a

1 2015 to January 2016, and subsequently since 09:37a
2 then. 09:37a
3 BY MR. JUDAH: 09:37a
4 Q. Have you ever deleted an e-mail while you were 09:37a
5 an Uber employee? 09:37a
6 MR. BRILLE: Objection, form. 09:37a
7 A. Yes. 09:37a
8 BY MR. JUDAH: 09:37a
9 Q. Why have you deleted e-mails while you were an 09:37a
10 Uber employee? 09:37a
11 A. I might get 4 or 500 e-mails a day and my way 09:37a
12 of processing e-mails is I delete everything 09:37a
13 that I don't need. Of course it's not 09:37a
14 permanently deleted, I mean I delete it out of 09:37a
15 my inbox. I mean you can go to the delete 09:37a
16 folder and it's all there. 09:37a
17 Q. So when you say it's not permanently deleted, 09:37a
18 where would those e-mails be? 09:37a
19 A. I assume that you can go on our Gmail server 09:37a
20 and just look in the deleted items folder. 09:37a
21 Q. Have you ever been subject to a litigation 09:37a
22 hold while you have been an Uber employee? 09:38a
23 A. I have. 09:38a
24 Q. Have you ever deleted an e-mail while you were 09:38a
25 subject to a litigation hold? 09:38a